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ABSTRACT

This paper discusses the Psychological Licensing Act in Florida as it relates to doctoral level counselors with degrees of a "psychological nature," as opposed to degrees with a "major in psychology." By implication, it addresses problems of licensure of professionals in many states who identify themselves as counseling psychologists and whose degrees are awarded by non-APA approved programs in colleges of education. This paper should be of special interest to counselors in private practice who do not currently enjoy licensing as counselors or as psychologists. Specific recommendations for licensing of psychologists, counselors, clinical social workers, and marriage and family counselors under a revised Florida statute are made. (Author)

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LICENSING OF PSYCHOLOGISTS AND COUNSELORS IN FLORIDA: AN OPINION AND RECOMMENDATIONS

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LICENSING OF PSYCHOLOGISTS AND COUNSELORS IN FLORIDA: AN OPINION AND RECOMMENDATIONS

James I. Morgan, Ed.D.

One of the hottest professional issues in the state now is licensure of professional providers of psychological services. Much of the discussion is a result of some professionals being excluded from licensure and some groups not being included in licensure. More specifically, the Florida Psychological licensing law does not recognize the many forms of training for providers of psychological services. Also, Florida does not have licensing laws covering such groups as marriage and family counselors, personal counselors, and social workers in private practice. One of the problems in enacting legislation covering these other providers of psychological services is that, traditionally, people prepared in these areas (as well as in school counseling and school psychology--both certificated professions) perform functions indistinguishable from functions performed by psychologists. Therefore, distinguishing among these professionals on the basis of the functions they perform is nearly impossible. Consider, for example, that the current "Florida Psychological Practice Act' (Florida Statutes, Section 490.32) states that:

> Psychologists licensed under this act may, within the limits of their individual competence and preparation, apply the methods and procedures of interviewing, counseling, and the methods and procedures of construction, administering, and interpreting tests of mental abilities, aptitudes, interest, attitudes, personality characteristics and motivations. The application of such principles, methods and procedures, includes, but is not restricted to psychological diagnostic assessment, prevention, and amelioration of adjustment problems and behavioral disorders of individuals and groups; psychological hypnosis; educational and vocational counseling; personnel selection and management development; the evaluation and planning for effective work and learning situations; advertising and market research; the resolution of interpersonal and social conflict; lecturing on or teaching of psychology; and the design and conduct of psychological research. (Section 3, paragraph 3)

It is obvious that the framers of the law recognized the fact that licensed psychologists are not the sole providers of "psychological services," in that they state in the very next paragraph of the law:

> Nothing in this act shall be construed to limit or obstruct the practice of other recognized businesses and professions nor to prevent qualified members of other professional groups from doing work of a psychological nature consistent with their training and consistent with any code of ethics of their respective professions designed for protection of the public, provided, however, they do not hold themselves out to the public by any title or description incorporating the words "psychological," "psychologist," or "psychology." (Section 3, paragraph 4)

However, according to the Statute:

> A person represents himself to be a psychologist when he holds himself out to the public by any title or description of services incorporating the word "psychology," "psychologist," or "psychological" or offers to render or renders psychological services to individuals, groups, organizations, or the public. (emphasis mine), (Section 3, paragraph 1)

This seems to imply that "psychological services" by any other name are still "psychological services" and are regulatable by the Psychological Practice Act. If this is the case, large numbers of providers of service "of a psychological nature" (Section 3, paragraph 4) might be enjoined from practicing by the Board. If it is not the case, there is no regulation of services of a "psychological nature" performed by qualified members of other professional groups provided that they do not use the magic words, "psychology," "psychologist," or "psychological."

The Law and Public Protection

As there are no statutes regulating "counseling" in Florida, the public is offered no legal protection when they contract for counseling services, except for what little protection is offered by local occupational licensing ordinances. Neither does the public seem often to make the distinction between "psychologist" and "counselor" when they are seeking help with personal problems. They tend to seek out those practitioners they think can be most helpful, or who are most available. It often does not even occur to a person

in need to find out whether the "counselor" is a member of appropriate professional organizations, such as the Florida and/or American Psychological Associations, the Florida and/or American Personnel and Guidance Associations, the state and national school psychologists associations, or appropriate state and/or national marriage and family counseling associations. As there appear to be only a few more than four hundred licensed psychologists in the State of Florida and over seven million people, the likelihood of a person's finding a licensed psychologist with ample time to treat him/her seems small. This makes it even more likely that people seeking services of a psychological nature will have to see other than licensed psychologists because these professionals are not currently eligible for licensure under existing Florida law--although many are licensable as psychologists under the laws of many other states.

Who is Licensable Depends on Where They Are

In many states professionals are eligible for licensure if they have "the doctoral degree from an accredited university or college in a program that is primarily psychological, (emphasis mine) and no less than two years of supervised experience, one of which is subsequent to the granting of the doctoral degree." (American Psychological Association, 1967, p. 1099). Florida's licensing law restricts licensure to the person who "has received a doctoral degree with a major in psychology." (Section 7, paragraph 1d), and two years of supervised experience. The licensing Board is currently either unable or unwilling to equate "major in psychology" with "a program that is primarily psychological." Professionals who have been licensed in other states are being denied licensure in Florida because of a narrow interpretation of this statute. As it is now written, the law also either prohibits the licensing Board from considering for licensing, or allows it not to consider, professionals

who hold the A.B.P.P. diploma in their speciality because their degrees are from Colleges of Education in such specialities as school psychology, counseling, and counseling psychology. It is generally recognized that the A.B.P.P. diploma is the highest recognition of professional competence awarded to providers of psychological services by fellow professionals, and is a competency-based award. This certainly does not suggest that all people currently unlicensable under Florida statutes are A.B.P.P. level people, but it does indicate that the American Psychological Association and the American Board of Examiners in Professional Psychology recognize that practitioners with degrees in areas which are "primarily psychological"--as opposed to degrees with "majors in psychology" only--are eligible for recognition as psychologists if their personal competence and professional preparation warrant it

The fact that Florida and several other states have certification and licensure laws which preclude the licensure of a large number of Counseling Psychologists is of concern to the Division of Counseling Psychology (17) of the American Psychological Association. Dr. John Krumboltz, President of Division 17, has asked that a position paper be prepared by two counseling psychologists for presentation to the American Psychological Association. Dr. Joseph Price and Dr. James Weeks of the A.P.A. Division 17 Committee on Human Rights and Social Issues will prepare the report which it is hoped will have some positive influence on having laws in the affected states reviewed (Price, 1974).

Need for a Revised Law

Florida's psychology licensing statute needs rewriting primarily because of the two reasons indicated above: (a) It does not adequately protect the public, and (b) it needlessly denies licensure to competent professional providers of psychological services. There are other reasons why the law should be changed. One of these is as it stands now it will eventually cause the

State's taxpayers more money for needless administrative expenses and the needless consultive expenses. Because of recent "freedom of choice" legislation with regard to insurance payments to psychological practitioners, psychologists are now in a more favorable competitive position with psychiatrists for insurance payments for psychological services provided. (I recognize that the gains have been limited, but the movement toward full equality is strong.) To qualify for insurance payments in these cases, the psychological services must be provided by licensed clinical psychologists. Without arguing the issue of what constitutes a "clinical" psychologist, one can readily see that unless licensure is extended to those qualified professionals who are already offering services of a psychological nature, they will be forced to seek unnecessary "supervision" of their work from their licensed colleagues for a fee--this fee being passed on to their clients in the case of private practitioners, and on to the taxpayers in the case of public employees. That this problem is bound to escalate may be seen in the recent adoption of Standards for Providers of Psychological Services by the American Psychological Association. (American Psychological Association, 1974). These standards are meant to provide "uniform national guidelines aimed at improving the quality and accessibility of psychological services." (Council...5(11)p.5) They are intended to govern the provision of services by private practitioners and all levels of governmental employees. They stress that all psychologists employed by all governmental agencies (Universities, mental health facilities, state hospitals, V.A. hospitals and so on--except for teachers of psychology) should be licensed or certified. This group is now almost universally exempt from statutory regulation.

Who Should be Licensed?

The issue of who has the "right" to provide psychological services is

often heatedly debated. National professional organizations are often more liberal and flexible in their views than local groups. Licensing, however, remains the purview of the states, and it is on this level that decisions must be made as to what preparation is adequate for providers of any professional services. Local professional groups may have a profound effect on what legislation is enacted. Recognizing this, a number of groups of Florida professionals have been very involved in studying licensure for Florida psychologists and counselors.

These include, but are not restricted to, the Florida Personnel and Guidance Association, The Southern Association for Counselor Education and Supervision, Florida Psychological Association, Florida Association of Marriage and Family Courselors, Florida School Psychologists Association, and a group called Citizens for Equal Opportunity in Licensing of Psychologists. It is possible that each of these groups will propose legislation regarding the licensing of psychologists and/or counselors. What effect this activity will have on licensure in these areas is unclear. One of the effects of licensure by distinct professional groups became apparent in California recently when five San Diego psychologists were enjoined from calling themselves marriage and family counselors or "claiming in any way that they perform services construed as marriage and family counseling." (Asher, 1974, p. 7)

This Monitor article notes that the psychologists were sued by the California Board of Behavioral Science Examiners, which licenses Marriage and Family Counselors, school psychologists, and social workers at the Masters level. Psychologists are licensed, at the doctoral level only, by a separate board. The article further states:

> They [psychologists] may also apply for the MFC license, if they meet that board's qualifications. These include at least two years of experience supervised by a licensed MFC or "the equivalent," and a masters in one of the behavioral sciences. Beginning in the Fall of 1975, only degrees in marriage and family counseling, child development and family studies, social work--and maybe psychology--will be acceptable. California State Psychological Association officials have

charged that some qualified psychologists have recently been refused admission to the MFC licensing exam (Asher, p. 7).

In my opinion this kind of professional in-fighting can be only detrimental to the image of providers of psychological services. Others have tried to deal with the obvious overlapping of services provided by these various professional groups by proposing to license the practice of significant portions of psychological services offered without specifying any target population (marrieds, un-marrieds, families, psychotics, normals, etc.). William H. Lundin, executive director of the Illinois Psychological Association had reported that the State Association has endorsed the notion "that the State of Illinois consider the licensing of psychotherapists, irrespective of previous professional training" (Lundin, 1974, p. 2). The I.P.A. apparently sees this licensure procedure as being the one which will offer the best service and most protection to the people of the State of Illinois.

The State of Ohio has moved dramatically in another direction according to reports by Thomas J. Sweeney (Sweeney and Sturdevant, 1974; Sweeney, 1974). The recent licensing law (1972) in Ohio not only licenses psychologists, but specifies "that (a) only licensed psychologists may supervise practicum and intern students; (b) these students must be registered with the Board by their supervisor; and (c) appropriate written records of these students' progress must be kept, in the event that the Board wishes to review them" (Sweeney & Sturdevant, p. 577). Although counseling psychologists with doctoral degrees not specifically granted in schools of psychology may be licensed, (and in fact, two of the initial licensing board members are Ed.D's)*. "The president of the Board has indicated that in the future persons will be required to

*Personal communication, William Wester II, Ohio State Licensing Board member, at American Society of Clinical Hypothesis Workshop, New Orleans, Louisiana, November 5-8, 1974.

prove not only that their non-psychology department courses were psychological in nature but also, that any of their teachers who were not licensed were adequately trained in psychology as well"(Sweeney & Sturdevant, p. 579). Along with the other implications of the law Sweeney suggests that these must be taken into account (Sweeney & Sturdevant, p. 577):

> Employment of new teaching staff (in Universities) will require determining in advance whether an individual can be licensed or at least meet Board criteria for teaching courses of a psychological nature.
>
> Accountability for laboratory, practicum, and intern experiences of students now takes on ethical and legal ramifications, with the State Board as a significant source of criticism and judgment.
>
> Implicit in this process is the implication that persons trained as psychologists are preferred to those not trained as psychologists, particularly in circumstances involving the supervision of others who use psychological processes.

Even though "counselors" are not directly covered by the Ohio law, the rights of counseling psychologists trained in other than graduate departments of psychology are protected. Guidelines were worked out by the Board to equate courses of a psychological nature outside traditional psychology departments (specifically, within counseling and educational psychology departments within colleges of education) to like courses in the traditional psychology department programs (Personal communication--William Wester II, 1974). However, the rights and responsibilities of non-psychologist counselors in private practice are not specifically covered by the law.

That the Ohio law and the licensing laws of other states provide for the licensure of psychologists with degrees from colleges of education merely means that they have taken into account historical precedent and present fact. Richard Thoreson, in commenting on the A.P.A. sponsored Vail Conference recommendations for the preparation of providers of psychological services notes that:

> The majority of A.P.A. approved doctoral programs in counseling psychology are located administratively in schools of education. In

> instances of jointly approved doctoral programs with heavy use of psychology department course offerings (e.g., University of Missouri) the majority of students will still come from the education side (Thoreson, 1974, p. 72).

J. Michael Hungerman and Thomas O. Brown, of the University of Akron, report in an unpublished paper submitted to Dr. James S. Weeks, Chairman of the A.P.A. Division 17 (Counseling) ad hoc Committee on Human Rights and Social Issues:

> Historically counseling psychology has encompassed a large and heterogeneous group. Division 17 of the American Psychological Association was founded in 1947 as the Division of Counseling and Guidance. It was retitled Division of Counseling Psychology in 1952. Early in the development of this profession there was some concern whether or not the practitioners were psychologists. By the 1950's this problem had been largely resolved; there is little question now that counseling psychologists are psychologists who are trained primarily by other counseling psychologists.*

From the foregoing it is abundantly clear that Florida's current licensing statute with regard to the providers of psychological services is inadequate for the protection of the public and needlessly discriminative toward a large group of recognized professional practitioners. There are also certain administrative problems inherent in the law. These will not be addressed specifically in this paper, but may be inferred from the recommendations for revisions to the law which follow. Briefly, the recommendations will pertain to the issue of who should be eligible for licensure, the range of professional groups which should come under the licensure laws, the makeup of the licensing board, and the nature of examination procedure. These are the areas which seem to me to be most in need of revision.

Recommendations

1. The current licensing statute should be rewritten so that basic qualifications shall conform to the 1967 A.P.A. standards as contained in "A Model for

*The authors cite as the source of their information, Thompson, A., and D. Super (Eds.). The Professional Preparation of Counseling Psychologists, Report of the 1964 Greystone Conference. New York: Bureau of Publications, Columbia University, 1964.

State Legislation Affecting Practice of Psychology 1967: Report on A.P.A. Committee on Legislation." The recommendation is that the title "psychologist" be reserved for practitioners with "the doctoral degree from an accredited university or college in a program that is primarily psychological," and who have "no less than two years of supervised experience, one of which is subsequent to the granting of the doctoral degree" (p. 1099). This would replace that portion of Section 7, paragraph 1(d) which states that a doctoral degree "with a major in psychology" is the basic requirement of the current law, and which needlessly discriminates against large numbers of professional providers of psychological services who have degrees which are from other than traditional graduate departments of psychology. That it is possible to work out formulas for equating course work and degrees from departments other than traditional psychology departments to courses and degrees in traditional psychology departments is evident from the work of the Ohio Psychology Licensing Board. Similar provisions have been made in other states.

2. To provide maximum protection to the public some provision should be made in the law for licensure of counselors, marriage and family counselors, school psychologists and other counseling specialists. It would be more tidy and parsimonious to include licensure of all providers of psychological services under the same law. Provisions might be considered for licensing some of these providers of psychological services at more than one level. Level one licensure would be limited to those people who hold the doctorate and who may or may not also wish to seek licensure as psychologist. Level two licensure would be available to those practitioners with at least a master's degree and appropriate supervised experience. Other levels of licensure might be reserved for paraprofessionals or technicians. School counselors would continue to be certified by the State Department of Education, but would need to be licensed to engage in private consultation, testing, or counseling.

3. As the licensing board is charged with examination of psychologists from all specialities in psychology (industrial, counseling, clinical, school--to use the areas in which A.B.P.P. grants diplomas as a guide) it seems reasonable that those specialties ought to be represented as directly as possible on the licensing board. If counselors in other specialties are to be included under the law, they ought also be represented on the board. For further protection of the public and to better represent the public's view, a lay-member should be included on any licensing board. The inclusion of a lay-member on a licensing board has been widely accepted by the professional community in psychology.

4. To ensure that those people licensed under the statute are truly competent providers of psychological services a competency-based examination procedure should be adopted--similar, perhaps, to the work sample evaluation procedure used by the Board of Examiners in Professional Psychology. As the universities which grant the degrees certify by granting the degrees that the candidates have attained a significant level of academic preparation, it seems redundant for the Board to require an academically oriented examination. The law should clearly specify that all examinees should know in advance the nature of the examination procedure, the areas which will be covered by the examination, and what constitute acceptable levels of performance on the examination. It should also specify examination procedures which fully protect the rights of the examinee so that he/she might be given unbiased consideration by the Board, and so that reviews of board action can be made on appeal by the examinee.

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